

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

FC 2014-000544

09/09/2016

HONORABLE WILLIAM L. BROTHERTON JR.

CLERK OF THE COURT

D. Ortiz

Deputy

IN RE THE MATTER OF
JOSHUA BOWERS

JON L PHELPS

AND

ALICIA NUNN

ALICIA NUNN
4250 E FOOTHILLS DR APT 2073
SIERRA VISTA AZ 85635

CONCILIATION SERVICES-CCC

MINUTE ENTRY

Courtroom CCB 603

10:01 a.m. This is the time set for Return Hearing regarding Petitioner's Verified Petition for Modification of Legal Decision-Making Authority, Child Support, and Parenting Time filed June 28, 2016. Petitioner/Father, Joshua Bowers, is present with co-counsel, Melissa Benson, on behalf of counsel of record, Jon Phelps. Respondent/Mother, Alicia Nunn, is present with above-named counsel.

A record of the proceedings is made digitally in lieu of a court reporter.

Joshua Bowers and Alicia Nunn are sworn.

Discussion is held with the Court regarding the status of the case.

LET THE RECORD REFLECT the clerk has updated Mother's address in ICIS.

Based upon the discussion held,

IT IS ORDERED on a temporary order as follows:

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- There shall no contact between the parties' minor child and Mother's boyfriend, Dereck Talvy.

IT IS FURTHER ORDERED as follows:

- Both parties shall file an Affidavit of Financial Information no later than **September 30, 2016**.
- The parties shall exchange contact information at the end of this proceeding. (i.e. email addresses and phone numbers)

PARENTING CONFERENCE REFERRAL

IT IS FURTHER ORDERED the parties shall participate in a Parenting Conference. The parties will be advised by separate minute entry of the name and telephone number of the Parenting Conference Provider and other relevant information regarding the Parenting Conference. The parties shall comply with all instructions and directives issued by the Provider.

Parent Conferences (PCs) typically involve up to four (4) hours of direct professional services. Given the narrowed scope and level of assessment of the PC, the Provider limits the documents accepted for review and the amount of time available to family members to present their concerns. If a litigant or litigant's attorney seeks to submit any documents for consideration, the Provider may decide to consider only those documents the Provider believes relevant based on the limited scope of these conferences.

THE COURT FINDS that both parties are unable to afford to pay the entire Parenting Conference Fee of \$300 per party today, but are eligible to make monthly payments pursuant to a payment plan.

Therefore,

IT IS FURTHER ORDERED that both parties shall pay their portion of the Parenting Conference Fee at a rate of \$50.00 per month to the Clerk of Court beginning **October 1, 2016**.

WARNING

IF YOU FAIL TO APPEAR AT THE PARENTING CONFERENCE AS ORDERED, YOU MAY BE REQUIRED TO PAY A \$100 NO SHOW FEE. THE PARENTING CONFERENCE PROVIDER IS AUTHORIZED TO SCHEDULE THE CONFERENCE AND ACCOMMODATE REASONABLE SCHEDULING REQUESTS FROM THE PARTIES. IF YOUR SCHEDULING REQUEST IS NOT PERMITTED BY

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THE PROVIDER AND YOU CANNOT ATTEND, YOU MUST REQUEST AND BE GRANTED PERMISSION FROM THE JUDGE IN YOUR CASE TO RESCHEDULE THE CONFERENCE AT LEAST THREE FULL COURT DAYS BEFORE THE CONFERENCE. IF AN AGREEMENT IS REACHED PRIOR TO YOUR APPOINTMENT DATE, YOU MUST SUBMIT A REQUEST TO THE JUDGE TO VACATE THE CONFERENCE AND WAIVE THE FEE IN ORDER TO AVOID FEE COLLECTION.

EVIDENTIARY HEARING SET

IT IS ORDERED setting an Evidentiary Hearing on **November 30, 2016 at 10:00 a.m.**
(time allotted: 1.5 hours) in this Division before:

**The Honorable William Brotherton, Jr.
Maricopa County Superior Court
Central Court Building
6th Floor, Courtroom 603
201 West Jefferson
Phoenix, Arizona 85003**

ISSUES TO BE ADDRESSED: Legal decision making, parenting time, and child support.

Failure of a party to appear at the stated time for the hearing may result in the Court allowing the party who does appear to proceed by default. Failure of both parties to appear on time may result in this action being dismissed.

IMPORTANT: YOU MUST FILE A PRE-HEARING STATEMENT AND SUBMIT YOUR EXHIBITS AS DESCRIBED BELOW IN ADVANCE OF THE HEARING. FAILURE TO COMPLY MAY RESULT IN DENIAL OF SOME OR ALL OF THE RELIEF REQUESTED.

IT IS FURTHER ORDERED:

1. **Pre-Hearing Statements:** The parties shall file and provide this Division and the opposing party with a copy of a **Joint Pre-Hearing Statement** or **Separate Pre-Hearing Statements** pursuant to Rule 76, *Arizona Rules of Family Law Procedure*, no later than five (5) days before the hearing. If U.S. mail is used to provide the pre-hearing statement, enough time should be taken to ensure that the Court and the opposing party receive the document no later than five (5) days before the hearing.

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The Pre-Hearing Statement shall include:

- a. All information required by Rule 76;
- b. A description of each disputed issue the Court must decide, and a statement of each party's position on that issue. Absent good cause shown, failure to list an issue in the Pre-Hearing Statement will be deemed a waiver of that issue;
- c. If there are disputed legal decision making (formerly "legal custody") or parenting time (formerly "visitation") issues, a specific proposal for legal decision making and parenting time;
- d. If there are disputed child support issues, a current Parent's Worksheet for Child Support Amount completed by each party;
- e. If there are disputed issues regarding property and debt, a detailed Inventory of Property and Debts, including each party's proposed division of property and debts;
- f. If spousal maintenance is requested and disputed, each party shall state the amount and duration of spousal maintenance requested;
- g. A list of witnesses to be called at the hearing. Absent good cause shown, failure to list a witness will result in that witness being excluded;
- h. A list of exhibits to be used at the hearing. Absent good cause shown, failure to list an exhibit will result in that exhibit being excluded; and
- i. A list of objections to the other party's exhibits. Any objection not listed in the Pre-Hearing Statement will be deemed waived.

2. **Hearing Exhibits:** Exhibits for use at the hearing shall be delivered to the Clerk of this Division at least **five (5) business days** before the hearing for marking, not including weekends, holidays or the day of the proceeding. **If exhibits are not delivered to the Clerk five (5) business days in advance, you may be required to use hearing time for the marking of exhibits.** In addition, each party shall deliver a copy of his/her exhibits to the opposing parties at least five (5) business days before the hearing. Duplicate exhibits shall not be presented.

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The exhibits shall be submitted with a coversheet listing the cause number, which party is submitting the exhibits, and a description of each exhibit. Exhibits shall be separated by a sheet of colored paper to easily identify where one exhibit ends and the next begins.

If U.S. mail is used to provide the hearing exhibits, enough time should be taken to ensure that the Court and the opposing party receive the exhibits no later than five (5) days before the hearing.

This Division requests that counsel and the parties **DO NOT PROVIDE** an extra copy of exhibits to the judge on the day of the hearing.

3. **Witnesses:** Be aware that due to time limitations and the importance of each party's testimony, there may be insufficient time to call witnesses at the hearing. All witnesses must be disclosed in advance to the opposing party as provided by the *Arizona Rules of Family Law Procedure*. Unless otherwise instructed by the Court, **DO NOT BRING MINOR CHILDREN TO THE COURT AT ANY TIME;**

4. **Time Allotted:** Pursuant to Rule 77(C)(5), *Arizona Rules of Family Law Procedure*, each party presumptively will be allowed half of the available time to present all direct, cross and redirect examination and any argument. For each hour of hearing time, this Court generally allocates 25 minutes to each party. The parties are expected to complete the hearing in the allotted time. If a party believes that more hearing time is needed, he or she must file a Motion at least 30 days before the hearing setting forth good cause to enlarge the hearing time. Failure to timely file such a Motion will be deemed a waiver of any argument that more hearing time is needed;

5. **Settlement:** Counsel and the parties are reminded of their obligation to give prompt notice of any settlement to the Court as required by Rule 70, *Arizona Rules of Family Law Procedure*. If the parties reach a full settlement before the hearing, the Court will vacate the hearing only if 1) it receives a Notice of Settlement pursuant to Rule 70, *Arizona Rules of Family Law Procedure*; and 2) both parties inform the Court of the settlement in an on-the-record Telephonic Conference. Oral notification to Court staff, or voicemail messages left with the Court are insufficient. If the parties desire to place agreements on the record, they should contact this Division to schedule a Telephonic Conference;

6. **Continuances:** Motions to continue the hearing filed more than 30 days before the hearing will not be granted absent a showing of good cause. Motions to continue the hearing filed less than 30 days before the hearing will not be granted absent a showing of extraordinary circumstances;

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7. Disclosure and Discovery:

- a. Both parties shall complete all disclosure required by Rules 49, 50 and 91, *Arizona Rules of Family Law Procedure*, including an exchange of all relevant information, documents and exhibits at least 30 days prior to the hearing; and
- b. All depositions and discovery contemplated by Rules 49 through 65, *Arizona Rules of Family Law Procedure* shall be completed 15 days before the hearing.

8. Discovery And Other Pre-Hearing Disputes: If the parties have a dispute concerning discovery matters, or any other pre-hearing dispute that requires Court intervention, they shall contact this Division to schedule a Telephonic Conference before filing formal discovery Motions. Before such Telephonic Conference, counsel or the parties shall personally consult with each other to either resolve the dispute or narrow the issues;

9. Hearing Record: All Court proceedings are recorded by audio method and not by a court reporter. Any party may request the presence of a court reporter by contacting this Division five (5) business days before the scheduled hearing.

NOTE: All court proceedings are recorded by audio and video method and not by a court reporter. Pursuant to Local Rule 2.22, if a party desires a court reporter for any proceeding in which a court reporter is not mandated by Arizona Supreme Court Rule 30, the party must submit a written request to the assigned judicial officer at least ten (10) judicial days in advance of the hearing, and must pay the authorized fee to the Clerk of the Court at least two (2) judicial days before the proceeding. The fee is \$140 for a half-day and \$280 for a full day.

/ s / JUDGE WILLIAM L. BROTHERTON

HONORABLE WILLIAM L. BROTHERTON
JUDICIAL OFFICER OF THE SUPERIOR COURT

10:23 a.m. Matter concludes.

FILED: Acknowledgement and Notice of Parenting Conference (2).

All parties representing themselves must keep the Court updated with address changes. A form may be downloaded at: <http://www.superiorcourt.maricopa.gov/SuperiorCourt/Self-ServiceCenter>.